NATIONAL INTELLIGENCER.

NOTES ON NEW BOOKS.

CORNEILLE AND HIS TIMES; by M. GUIZOT. New York Harper & Brothers, 1853

The substance of this volume composed one the first works of M. Guizot's youth, it having been published for the first time in 1813, when its author was in his twenty-sixth year. In the present reprint, however, many changes have been introduced, and the writer, it would seem, "was tempted to change much more," but preferred, on the whole, to let the book retain those features which reflect, as he thinks, a faithful image of the spirit which prevailed forty years ago in literature, "among the men who cultivated it and the public who loved it" in France. At this period the empire of Napoleon -of Napoleon L, as we suppose he must now be styled, to suit the dynastic pretensions of his nephew-was in the plenitude of its power, and war seemed to have become the normal state of society, while literature was left to the cultivation of but few votaries, and secured the patrouage of a public which was respectable rather by the character of its constituents than their numbers.

M. Guizot pays, we think, but a poor compliment to his work when he deems it "a faithful image" of the spirit which breathed in the literature of France forty years ago, for he himself elsewhere states that such was the domination of the Emperor that "in the regions of thought great minds and, lofty characters possessed neither independence nor dignity." In fact, the entire literature of this period is tame and tined. Whatever sought to burst the arbitrary bonds of the imperial censorship was instantly curbed and muzzled; the Journal des Dé-bats, the chosen organ of a few free spirits, was finally confiscated; M. de Chateaubriand was expelled the French Academy; and Madame de Stael spent ten years in exile. Napoleon, said the last named of these, could not bear that any body or any thing should be talked about save himself. He was jealous of even a literary reputation, lest it might seem to suggest that there were other glories than those of war and conquest. We cannot, therefore, consent to look at the work before us in the light in which M. Guizot would fain have it regarded, simply for the reason that we have been unable to detect in it any ear-marks by which we are warranted in referring it to this period of literary servitude. On the contrary, we find in it a freedom of criticism, an accuracy of research, and a "gentle wisdom" of disquisition which render it well worthy the hand which, at a later period, indited the "History of Civilization in France." M. Guizot is, beyond all question, the ablest historical analyst of this or any other age. In this department of literary labor and research he stands unrivalled; but it is the political bearings of history which he has been the oftenest called to trace and exhibit in his scholarly and elaborate volumes on what his countryman, M. Comte, calls the "Science of Sociology." In the work before us his theme is that of a Belles Lettres professor rather than of the profound lecturer on History; and as the epoch on which he treats ushered in the most brilliant literary era that ever illustrated the annals of France, we have thought it would repay our readers to follow, in a rapid review, the course of M. Guizot's investigations relative to Pierre Corneille and his timesusing the work before us as our guide-book, but not confining ourselves strictly to all its conclusions. La Harpe and Fontenelle, and, above all? Voltaire, shall furnish us their contingent of information on some of the subsidiary topics discussed by our author.

It is a favorite remark of M. Guizot that the criticism of modern literature is a more difficult task than that of the ancient, especially of the literature of Greece. In Greece literature seems to have been the natural and legitimate offspring of the national mind, left to develop itself according to its own inherent laws and constitution; whereas all modern literatures have been greatly modified and complicated by external influences. The singular mixture of natural barbarism and acquired civilization, of antiquated notions and novel ideas, which prevailed during the middle ages, renders it very difficult to explain the course pursued by the various literatures that have issued from these times. A confusion of ideas is the nematter of modern literary criticism; and the most that M. Guizot proposes to accomplish is to ascertain "a few general results and some certain affinities, and afterward connect with these fixed and luminous points all the facts which seem attached to them by any bond, more or less clear and more or less remote."

Poetry, says La Harpe, was the cradle of the French language, as indeed it is found to have been of nearly

every tongue which has reached any degree of perfection. During the thirteenth and fourteenth centuries, the "gave science," as it was called, flourished among the idle nobility of France more than of any other country of Europe. Jongleurs, troubadours, and trouveres harped incessantly upon a single chord of the human heart-the passion of love; and though their lais, and sirventes, and fabliaux have long since passed into the rubbish of literary antiquaries, yet it requires but a momentary comparison of modern literature with ancient to discover that the former owes one of its most distinctive features to the exaltation of those sentiments with which, "proud man" has learned in these latter days to regard "fair woman." Love, in fact, has become the most fruitful of all our passions in the interesting situations it affords to the tragedy, the comedy, and the modern novel; so that the strolling poets of the middle ages did but open a mine in which their successors have ever since labored.

But, passing by the period in which there was a kind of literary activity, but no literature, properly so called, let us alight at once within sight of "Corneille and his Times," when French poetry was destined to be "inaugurated in its fullest splendor."

Old Marot, that "true type of old French style" in all its grace and archness, must be dispatched in this single line to his memory, and in reaching him we are about sixty years distant from the birth of Corneille. We must linger a moment, however, on the crudite and metaphysical poetry which succeeded Marot, under the ascendency of Ronsard, Du Bartas, Jodelle, Baif and others. Fontenelle is much richer in details on this "polyglot verse" than is M. Guizot. It occupies, in part, the same relation to French literature as the school of Marini to that of Italy, or the Gongorists to that of Spain, or Cowley and Dr. Donn to that of England. Affected thoughts, expressed in the most affected language, composed the style in vogue during the reign of Henry II. If Ronsard writes a sonnet to his "Cassandra," it is couched in terms utterly incomprehensible to the fair lady, unless she was perfectly familiar with Homer's catalogue of the Greek heroes and with the "tale of Troy divine." One of his commentators remarks, with an air of satisfied vanity, that there were some sonnets in Ronsard's first book of Amoure " which would never have been properly understood by any man if the author had not familiarly declared their meaning to myself or some other person." Ronsard, in his "Art Poetique Prançais," advises young poets to dexterously choose and appropriate in their poems !" the most significant words in the dialects of our France, and not to be careful whether the vocables be of Gascony, or Poitou, or Normandy, or Mans, or Lyons, or of any other district, provided they be good and signify properly what they wanted to say." This advice he founds on the example of Homer,, who has interwoven in his poems the different dislects of Greece." Ronsard forgot that the various dialects of Greece arose after Homer's day, In an epitaph on the sudden death of Prancis I, says M. Guizot, (Fontenelle says it was written in memory " of a young man,") this same Ronsard exclaims, pathetically-

"Ocymore, dyspotme, oligochronien." an elegiac line which we think will puzzle our French readers, though it will prove very easy reading to one skilled in the Greek.

Baif, who belongs to this same erudite school of poets. has a sonnet commencing

"O pero Rvien Bacche dithyrambe," &c. poetry for the Greeks, if it were not spoiled by a few "Cid." It is difficult, says Guizot, to assign any cause words in French. Over such melodious strains one can only cry, in a refrain of Baif himself, when describing the crazy shricks of Bacchants-

"Yach, iach, ia, ha!" Still, Ronsard may justly claim the title that wasaward ed to him by his contemporaries of "Prince of Poets"_in sence, that is-for he is rich in lofty imagery and that elevated expression which bespeak the great poet. But Du Bartas and others who sought to make this "learned style," estelo culto, as the Spanish called it, only succeeded. in writing the most unmitigated jargon and the purest alderdash. A reaction, of course, soon followed, and this reaction has continued until the present day, when the French language has become, as Voltaire himself onfesses, "a multitudinous collection of frivolous words. fit only to be used in ordinary chat-an empty huddle [un vain ramas] of familiar phrases and expressions." It is this unfortunate abundance (he adds) which imoverishes us."

When, bowever, as La Bruvère afterwards said, Ronsard seemed likely to "ruin the French language forever," Malsherbe appeared, and set himself to work, as he him self said, "to degasconize the Court," for Malsherbe was par minence the Court poet of his time, and sacrificed the Muses instead of sacrificing to them. He was, in truth, a veritable sycophant, and would be more respectable in our eyes as a poet if he had not been so contemptible as a man. He was nearly the contemporary of Milton. The French still deem him one of their "grand illustrations," considering the time in which he lived; but how immense is the interval between him and our great poet! But where

there is no likeness there can be no comparison. Malsherbe and his imitators, in the re-action to which we have alluded, succeeded in restoring the sonnet to the rogue which it had temporarily lost under the regime of Ronsard. The poets began again to affect this " small change" in literature. The value which has subsequentchange" in literature. The value which has subsequently been attached in France to this species of verse is sufficiently attested by the oft-quoted line of Boileau, the
French Aristarchus, who pronounces "a faultless sonnet French Aristarchus, who pronounces "a faultless sonnet worth by itself a long poem." The literature of France now began to be overrun by a very mob of ballads, ronnow began to be overrun by a very mob of ballads, ron-deaux, sonnets, epigrams, and little songs—piecemeal literature, M. Guizot calls it, and, on the whole, speaks what Corneille's genius would have become, and to divine approvingly of it. The effect of such literary activi-

and the prettiest novelties in prose and verse; we are told, just in the nick of time, that such an one has composed the prettiest piece in the world on such a subject ; that some one else has written words to such an air; that this person has made a madrigal on an enjoyment, and that his friend has composed some stenzas upon an infi-delity; that Mr. So-and-so sent a sizain yesterday evening to Miss Such-and-such, and that she sent back an nswer at 8 o'clock this morning." &c.
"Thus," says Madelen, one of the preciouses ridicules

we learn a thousand things which it is absolutely neces-

sary to know, and which are of the essence of a bel esprit." It is easy to see how, in such a state of society, the Hotel de Rambouillet became one of the estates of the realm. Perpetual affectation and pedantic gallantry held here their headquarters; the blue-stocking widow and her 'incomparable" daughter became the centre of a powerful literary coterie, who sat in judgment over the literature of the time. The "finest wits and the most honorable persons of the court" sought admission to the salon of Arthenice," as the daughter Julie was called by her satellites-a literary christening for which Mademoiselle Scuderi was responsible. † During the early quarter of seventeenth century the Hotel de Rambouillet reigned supreme. Whether muscadins or muscardins was the correct orthography furnished a subject of debate, which lasted almost as long as the courtship of "Arthenice" and the Duke de Montansier-that is, twelve years. Unfortunately Mile. Scuderi was no authority in spelling, fortunately Mile. Scuderi was no authority in spelling, dinal Richelien, who held ber in great esteem, says Sebut, as it required twelve years to get a heroine married grais, a message in which he begged her as his friend to one of her interminable romances, this period was deemed by Julie the legitimate length of a "romantic courtship." We do not invent, we narrate history. Twelve years became as necessary to carry on a courtship secundum artem—that is, after the fashion of the romances—as were the unities of time, place, and action in conduct of a drama according to the idea of Aristotla and a drama according to the idea of Aristotla and a drama according to the idea of Aristotla and the instance of time, place, and action in conduct of the people whom Ninon del'Enclos called "the Jansenists of love." They kept constantly cooing and warbling, but after all, says Menage, "it was only gallantry; there are love and the annexation to the United States of the Rio Grande.

The very Menage, "it was only gallantry; there are love and the state of the Rio Grande.

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The very Menage of the king, affected astonishment the United States with possessions then under stood by most of us to reach only to the river Nucces.

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The main to be under, and the do any one a bad turn.' So acting as the came into the United States with possessions then under stood by most of us to reach only to the united States with possessions then under stood by most of us to reach only to the first Turn of the United States with possessions then under stood by most of us to reach only to the United States with possessions then under stood by most of us to reach only to the United States years became as necessary to carry on a courtship secunwas no love." The poetry of such a period, we need not say, was full of all manner of affectations and conceits. It was Marinism in sentiment, as Ronsard's style was say so when I asked you " inquired M. de Luynes. 'Be-Marinism in language, and the last end of this Marinism was worse than the first. But the rigidity of virtue which to you what I please.' had to be assumed in order to keep up this literary fashby side a new poetry arose. What could have arisen so appropriately as the burlesque verse? What could be more ridiculous than prim prudery, strutting by the side of loose and vagrant ligitete? If Scarron had not been found he would have been invented; but Scarron-poor cripple that he was-came of himself. Virgil was travestied, as only Virgil could be travestied, and as only Scarron could it, and as only Prenchmen could relish it when done : in like manner, a long poem, entitled the "Passion of our was awfully impious, it was true; but it was in fashion, and that was the important consideration. A poem in those days was nothing if not burlesque.

Such was French poetry, in its shifting phases, before Corneille appeared. If we have delayed too long on its antecedent history, it has been in order the better to appreceded his advent.

Pierre Corneille was born at Rouen, on the 6th of June, 1606, and was educated for the bar, though his genius early traced in M. Guizot's rapid delineation. inclined him to the career with which he has forever blended his name. His early rhymes were inspired by love. whether by a real or an imaginary passion is of little con-Seneca. At this period our readers will remember the child." Spanish language was the "Court dialect" at Vienna, at Munich, at Brussels, at Naples, and at Milan. The wars of the league by its Spanish alliances had first introduced ary, says: t into France, but the marriage of Louis XIII, with the daughter of Philip III. rendered the "pure Castilian" so fashionable that it came to be deemed disgraceful for a man of letters to be ignorant of it. From this tongue, therefore, Corneille reproduced, we may almost say, his celebrated "Cid." The enthusiasm with which the public received it "was carried to the greatest transports." As fine as the Cid" passed into a proverb. But the contemporary authors of Corneille's "Times," and the great Richelieu, conspired together to humble this " upstart spirit," who, as Voltaire observes, "looked with contempt alike upon the works of the former and the taste of the latter." The Cardinal would not rest until he had coerced the French Academy (of which, be it remembered, he was the founder and protector) into the ungrate-

* Lest our readers should fail in apprehending the precise significance of a bei ceprit by translating too literally, we throw its definition into a poetical foot note: "Un bel csprit, si j'en sais bien jnger,

Est un diseur de bagatelles. O ciel! diront les précieuses : Peut on se déchainer contre le bel esprit !

+ Scuderi wrote a romance, in ten mortal volumes, en titled "Cyrus the Great." On the appearance of her work the Hotel de Rambouillet was enchanted by it, and

on which Fontenells remarks that it would be very good | ful task of pronouncing an unfavorable judgment on the for Cardinal Richelieu's violent participation in this struggle against public opinion. He remained through life one for Corneille's patrons, yet on this topic—the merits of the "Cid"—he was an antagonist almost as bitter as Scuderi. Corneille did not rest in silence under these reproaches; he took up his pen in self-defence, and entered the lists of literary controversy with his embittered and powerful adversaries. The paper warfare which ensued affords an interesting page to the literary history of France. It is well sketched by M. Guizot, and we must content our selves with this reference to his narrative. The poet next w. . . "Ins Horaces," and, expe that his enemies would renew the case fore-armed himself for another struggle. Monsieur Guipt shall rethat his enemies would renew the

late what followed: "Armed at all points, Corneille firmly awated the ene my, but none appeared; the outburst of trith had im-posed silence upon envy, and it dared not hope to renew, with equal advantage, a warfare, the ridicale attendant upon which had been borne more easily by Robelieu than by Scuderi. The universal cry of admiration is all that has reached us. From that time forth, for nany fears, masterpieces followed one another in quick succession, without obstacle and almost without interruption. We no longer have to look for the history of the sage amids a chaotic heap of crude conceptions, in which we vainly strive to discover a single scintillation of getus or evi-dence of improvement. Such works, henceforward, leave no trace of their existence in the history of he art, and no trace of their existence in the history of he art, and yield to the productions of genius all that pace which they had formerly usurped. Until the adventof Racine, the history of the stage is contained in the life (Corneille; and the biography of Corneille is wholly written in his works." * * "We have seen Coneille raise himself by a single bound to the proud elevation by which he towered above his age; we behold him [in is 'Pertharite,' 'Theodore,' &c.] falling back again belw the standard of taste and enlightenment for which his age and indebted to his labors and example. Now that the mission is finished, and he has impressed upon the drams a movement with which he is no longer able to keep pace, I wish to discover and describe with precision the true character and its audience to an equal elevation, was umble to keep its place in the region to which it had carriedthem. How either the extraordinary beauties which it might have un folded, or the flights of which it might have een guilty provingly of it. The enect of such interary actives in second of the Précieuses Ridicules:"

"We learn thereby, every day, the latest gallantries and the prettiest novelties in prose and verse; we are old, just in the nick of time, that such an one has comall the acquirements of his age and country. Corner feared and braved criticism, and provoked it by his defi-ance; he would allow none of its censures, but he did all could to avoid them. Taking warning by a frst attack, no longer ventured to hazard, for fear of fouderi, all that France would probably have applauded. Incapable of yielding to his adversaries, and angry at beng obliged to combat them, he yet withdrew from the pah in which

> involuntary prudence saved him from some dangerous quicksands, it undoubtedly deprived him of sone precious "Unperceived and unintentionally. Corneile has subjected his characters to the sway of the ideas of his own me-a time at which protracted disorders had introduced into morality, which was still far from having made great progress, somewhat of that uncertainty whim is engen-dered by party ties and the duties of position. The few-ness of general ideas combined with the miltitude and diversity of private interests to leave great lattude to that pseudo-morality which is made to suit the necessities of the moment, and which the requirements of conscience transform into a State virtue. The principles of common morality seemed binding only on those persons who were not authorized by great interests to contemn them. Few actions were thought sufficiently culpable in themselves not to find an excuse in private motives; and few characters were so well established as to be deemed inaccessible to the influence of such motives. Mme. de Rambouillet, the most respected lady of her time, received from Carings which were then held at her house; and Segrais, on learning her refusal to comply with the request, ascribes it to the fact 'that she did not know what it was to be a partisan, and to do any one a bad turn.' So acting as the Cardinal's spy would have been nothing more than 'becoming a partisan!' * The most insignificant formulation of the United States with possessions then understood by most of us to reach only to the river Nucces. The war with Mexico, which grew chiefly out of that an interest of the river of the war with Mexico, which grew chiefly out of that an interest of the river of the war with Mexico, which grew chiefly out of that an interest of the river of the war with Mexico, which grew chiefly out of that an interest of the river of the river of the war with Mexico, which grew chiefly out of that an interest of the river of the rive at this, the King inquired if what he said were true. 'No, Sire,' replied the Duke de Rhételois. 'Why did you not cause, answered the Duke, 'I tell truth to the King, but

he was likely to meet with them; and though his perhaps

Such traits of character as these were continually occurring before the eyes of Corneille; and these traits he ion was soon relaxed. Starched propriety gradually gave has bestowed upon the Greeks and Romans who were way to easy license, and while as yet the two existed side | thought 'so like and yet so much flattered' by his countrymen, who easily acknowledged the authenticity of these 'illustrious ancients,' as they had no difficulty in feeling themselves to be Greeks and Romans like them."

With these meagre excerpts relative to Corneille, the poet, let us join the following description of Corneille, the man:

"Destitute of all that distinguishes a man from his equals, he seems to be irrevocably doomed to pass unnotic ed in the crowd. His appearance is common, his conver sation dull, his language incorrect, his timidity awkward Lord," was published "in burlesque verses." The thing his judgment uncertain, and his experience perfectly child ish. If he finds himself brought in contact, either by ne cessity or by chance, with persons whom birth or fortune has placed above him, he does not rightly appreciate the position which he occupies in respect to them, but thinks only of the one connexion of protector and protected which subsists between him and them."

This pertraiture is abundantly justified by the sketches preciate his merits by exhibiting him in bold relief against of Corneille which have been left us by nearly all his conthe mediocrity, the affectation, and the buffoonery which temporaries. His "Life," as written by Fontenelle, his nephew, though sufficiently lavish in laudation of "my uncle," might be quoted in confirmation of every feature

The length to which we have already extended our observations and quotations precludes us from adding any thing on the controversy which has long been waged be sequence. His first drama, "Mélite," was played in 1629, tween English and French critics touching the nature and to which succeeded, with an interval between each of laws of the legitimate drams. Besides the work which we about a year, five comedies which laid the basis of his have so imperfectly noticed in the present article, the same subsequent reputation; but it was not until 1635 that his publishers have just issued a similar one by the same 'Medée" appeared, some of the opening scenes of which, author, entitled "Shakspeare and his Times." Perhaps as Voltaire remarks, contain "verses that announce the | we may find an early occasion to employ it as a rubric advent of Corneille." This was in fact the first French under which to discuss the vexed question that must for tragedy. In 1636 he published his "Cid," in composing the present be left in abeyance. Meanwhile we have onwhich he drew his inspiration from the literature of Spain, ly to commend these valuable but unpretending volumes as in his "Medée" he was indebted to that of Rome; to the careful perusal of all amateurs in French letters and the former being imitated chiefly from the Spanish of all admirers of the peerless bard whom the whole world Guillermo de Castro, while the latter was borrowed from has at last agreed to call "nature's darling and fancy's

A letter from Genoa, in Italy, dated on the 17th Janu-

A complete revolution in the means of steam naviga tion and locomotion is anticipated here from a recent in-vention by Dr. Carosio, of this city. He has, it is said, cceeded in constructing an apparatus for the decompo sition of water by electro-magnetism, which will introduce the gases thus generated into the engine in a way to save e expense of fuel. His invention has been approved savans and practical engineers, and a company has scribed the means of giving it a full exper Means have also been adopted to secure patents in all

MELANCHOLY ACCIDENT. - Mr. JESSE BELL, of Salisbury Illinois,) was recently killed by the accidental discharge His wife had gone out to a neighbor's, leaving him alone in his house. When she returned she found her husband dead on the floor, with the gun lying across his body. It appeared that he was shot in the mouth and, as the gualock was muddy, it is supposed that in or-der to ascertain whether it was loaded, he had pushed back the hammer with his foot and was blowing into the muzzle, when his foot slipped and the piece was discharged. Mr. B. had been married but a few weeks. It is a little singular that notwithstanding the many deaths that, have been caused precisely in the manner above describ ed, so many are still in the habit of examining their guns in the same dangerous way.

DESTRUCTIVE FIRE.-A destructive fire occurred a work the Hotel de Rambouillet was enchanted by it, and the principal members sat for their pictures as Persians tree range of buildings knewn as Billing's block was departed by the principal members sat for their pictures as Persians tree range of buildings knewn as Billing's block was demolished, with their contents. The loss is estimated at d'Angennee' title of "Arthenice"—a character in the one hundred thousand dollars, the most of which was, however, covered by insurance.

SPEECH OF MR. SEWARD.

OF NEW YORK, On the Resolutions reported from the Committee Foreign Relations in regard to the Tehnantepec treaty. IN SENATE, FEBRUARY 8, 1868.

Mr. SEWARD said: Mr. President, history will eluciate this subject, if we can adjust the lens so as to concentrate its rays. The great occupation of the nations Western Europe, from the beginning of the fifteenth cen-tury to near the close of the eighteenth century, was co-lonization and the establishment of emoire on the Amerilonization and the establishment of empire on the American continent. The year 1775 witnessed the opening of take place in the commercial, and even in the political, afthe first act in the great drama of the decolonization of this continent, the end of which is not yet. By the treaties of 1783, to which not only the revolting and belligethes of 1783, to which not only the revolting and bellige-rant colonics of Great Britain and Great Britain herself were parties, but also France and Great Britain, who was the most able to keep her American possessions, resigned thirteen of her principal colonies on this conti-nent, not so much because of her weakness as because of their own already maturing strength, and the aid which they derived from the intervention of France.

Leaving out of view some sparse and unimportant set-ements of Russia, the North American continent was now divided between Great Britain, which retained all the regions that laid between the St. Lawrence and the Lakes and the North pole; the United States, which reached southwardly to the borders of Louisiana and Florida, and southwardly to the borders of Louisiana and Florida, and indefinitely westward towards the Pacific; and Spain, which retained the remainder, consisting of the provinces or colonies of the Floridas, Louisiana, and New Spain, now called Mexico. The United States were then governed by fixed, domestic, constitutional, representative systems and habits of government. They had long been i the enjoyment of them, although not of political inde-pendence; and the government they thus enjoyed rested upon the foundations of popular education, freedom of the press, toleration of conscience, and, above all, upon the sacredness of personal rights, secured by common law and statutory safeguards borrowed from England, of the rights of trial by jury and habeas corpus.

On the other hand, the Spanish provinces had been governed from the first by a foreign despotic Power. The subjects of those provinces were ignorant of any system or principle of representative legislation of the second control of the second contro

tem or principle of representative legislation, or of free-dom of the press, or of toleration of religion, or of guar-antees of personal liberty. The United States had no elements of wealth except a soil of varied fertility, the more common and useful minerals, and access on one side to the sea. The Spanish provinces, on the other hand had a more prolific soil in a climate of surpassing healthfulness and beauty, with rich mines of the precious metals which Providence has so sparingly distributed, and acces to two oceans. The United States were practically a ho mogeneous people, consisting of homogeneous States. The Spanish provinces had a population three-fourths of which were native Indians, one-eighth Creoles, and only

the remaining one-eighth Europeans.

The experiment of independence and self-government in the United States was completely successful; and with it came immediately a rapid progress in national wealth and prosperity, attended by an increase in the advance of population unknown in the experience of mankind; a tide formed of natural increase and perpetually swelled by European immigration. On the other hand, the provinces of Spain remained nearly stationary. They caught from the United States the passion for liberty, without, how-ever, obtaining the elements by which it could be preserved. They proposed to secure for themselves the institu-tions of civil liberty; but they borrowed the form only while the spirit which gave it life refused to attend it.

These were the relations and these the conditions the United States and of Spanish North America at the commencement of this century. This century has thus far exhibited two political processes continually going on upon this continent: the first, that of general decolonization; and the second, that of a decay of Spanish American power and the aggrandizement of the United States of America. Spain ceded Louisiana to France in 1800, and in 1803 France conveyed it to the United States. Apprehensions were felt at that early day in New Spain that the United States might advance so as to encroach upon that territory; and those apprehensions were fearfully confirmed when the United States, having first taken possession of portions of the provinces of Florida, obtained in 1819 a relinquishment of them by Spain. Texas was for a time uninhabited, and seemed to promise that it would remain a barrier for New Spain or Mexico against the United States. Becoming rapidly peopled, nevertheless, Texas asserted its independence, and then the hopes of Mexico for its own security and safety rested upon the inform him of whatever was said about him at the meet-ings which were then held at her house; and Segrais, on or put itself under the sovereignty of some European State, the United States advanced to the hank of the Rin Co and across the continent to the shores of the Pacific ocean We have thus seen the action of one great American idea upon Mexico; that was the idea of national aggran-dizement. But at the same time another great American idea was operating indirectly for the embarrassmen of Mexico, and that was the idea of civil liberty, guaran of Mexico, and that was the idea of civil neerly, guarantied by institutions of federal republican government. The United States from the first, or from an early day determined that there should be no European colonial determined that there should be no European colonial than a could be a state of the could be a stat Power remaining on this continent which they could pre vent or remove, and therefore they fostered a spirit of revolt in Mexico; and when Mexico, in her revolution,

or after her revolution of 1821, arrived at the poir where she must definitely choose her form of governmen the United States recommended to her, with success, the principles of federal republicanism, which were adopted. The short-lived Empire of Iturbide was abolished; and in 1824 Mexico adopted a constitution, which, in its mos important characteristics, is identical with our own During the twenty-nine years which have since elapse Mexico has had no repose. She has been rent often and in every part by the struggle between the North American principle of federalism, and its antagonist, the European principle of centralism. The people will bear no govern ment but a federal one. Some wise men in Mexico have continually maintained that no other government than central one can be upheld there. The army has decide the contests as bribery or caprice has awayed its chiefs The history of Mexico since 1824 is only a history of the contest between these organic principles. The central principle has partially prevailed, for periods amounting in the aggregate to eleven years; while the federal re publican principle, and the constitution of 1824, has prevailed during the remaining nineteen years. The war between the United States and Mexico ended, as you re-member, with the treaty of peace, commonly called the

treaty of Guadalupe Hidalgo I invite now the attention of the Senate to two proviions contained in that treaty. In the fifth article is the following provision:

"The boundary line established by this article shall be iously respected by each of the two Republics; and no change shall ever be made therein, except by the express and free consent of both nations, lawfully given by the General Government of each, in conformity with its own con-

The twenty-first is in the following words, to wit:

"If unhappily any disagreement should hereafter arise be seen the Governments of the two Republics, whether with respect to the interpretation of any stipulation in this treaty or with respect to any other particular concerning the political or commercial relations of the two nations, the said Gov. cal or commercial relations of the two nations, the said Governments, in the name of those nations, do promise to each other that they will endeavor, in the most sincere and carnest manner, to settle the differences so arising, and to preserve the state of peace and friendship in which the two c untries are now placing themselves; using, for this end, mutual representations and pacific negotiations. And if, by these means, they should not be enabled to come to an agreement, a resort shall not, on this account, be had to reprisals, aggression, or hostility of any kind, by the one Republic against the other, until the Government of that which deems itself aggrieved shall have maturely considered, in the spirit of peace and good neighborship, whether it would not be better that such difference should be settled by the arbitration of commissioners appointed on each side, or by that of a friendly nation. And should such course be proposed by either party, it shall be acshould such course be proposed by either party, it shall be ac-ceded to by the other, unless deemed by it altogether incom-patible with the nature of the difference, or the circumstances

In 1842, before the war between the United States and Mexico occurred, Gen. Santa Anna, a brave, talented, and energetic soldier, who has, during his long and active po-litical career, sometimes given a compelled assent to the federal principle, but who seems, nevertheless, to have been all the time a centralist at heart, had attained the provisional executive power. During his administration, n José Garay, a citizen of Mexico, and a favorite of the Dictator-for all Dictators have their favorites, and I am sorry to say that Santa Anna is not the most pure of that ss of magistrates Don José Garay, and other members of his family, obtained from Santa Anna, besides the mo nopoly of opening the passage acress the Isthmus of Te-huantepec, four other monopolies: one, the exclusive right to navigate with steam the Rio Grande; a second, the exclusive right to navigate the river Panuco; a third, the exclusive right so to navigate the river Muscala or Zacatula; a fourth, the exclusive right of connecting Vera Cruz railway with the city of Mexico; connected with of Vera Cruz. I am informed that the products of that areria have exceeded \$1,000,000. With that vast sum of money a railroad has been made from Vera Cruz towards

It was on the 1st of March, 1842, that Don Jose Garay approached the Dictator with a precious offering of the incense of flattery. He reminded Santa Anna that he had caused the Mexican people to look to his administration as one of a new and gigantic advancement in the career of national aggrandizement. He suggested to him that the great project with which the world had been engaged for near three-centuries, of opening an interoceanic communication agrous the continent, was yet to be undertamunication across the continent, was yet to be underta-ken, and declaring that the mind was bewildered with the difficulty of embracing in one comprehensive view the as-tonishing consequences that must follow so great an achievement, he concluded that a great revolution would fairs of all nations when it should be effected; and that the epoch which should see it effected would be more me-morable than that of the discovery of the continent, and the name of him under whose anspices it should be con-summated would be at least as glorious as that of Co-lumbus. And then Don José Garay proposed, of course, that he should be authorized to undertake this grand work. The execution of the work was committed by Sanwork. The execution of the work was committed by Santa Anna to his favorite, with vast concessions of land and privileges, by a contract made under the decree of the date which I have mentioned. It is claimed by the Committee on Foreign Relations that that contract, after having passed through the hands of intermediate British assignees, has come now to be vested in the hands of American distance and that it will be for the hands of American distance and that it will be for the hands of American distance and that it will be for the hands of American distance and that it will be for the hands of American distance and that it will be for the hands of American distance and the statement of the same of the sa rican citizens, and that it is still in force ; while the Mexican Government refuses to allow it to be executed by them. The assignees have appealed to this Government to put forth its power to enforce upon the Mexican Gov-ernment the duty of carrying it into effect. The commit-

tions which have been read.

My first remark upon these resolutions is, that the responsibility of adopting them is a very great one. They are somewhat vague in their language. But inasmuch as they pronounce that there shall be an end to pacific negative. they pronounce that there shall be an end to pacific negotiations, except upon a condition which it is not expected Mexico, will assent to, a review of existing relations in the event of her expected refusal, and finally that such measures shall be adopted as the digalty of the country and the interests of our citizens shall require, they look towards, although they do not distinctly point at, some measure of hostility, of reprisal, or of war. It seems to me that the Senate is not now in a proper condition to assume that responsibility. One-third of this body will go out in less than thirty days from this time, and their places will be filled by those who are not now here. A resolution adopted when the Senate is changing may consolution adopted when the Senate is changing may convey advice which will not remain the opinion of the Sen ate through the next Congress. Again: the President of the United States is a co-ordinate power with the Senate in the conduct of foreign relations. He has the responsito have the benefit of his advice, and to give to the country the benefit of his share of the responsibility which is to be assumed; for the present President will go out in less than thirty days, and within that time a new one will

come in, whose opinions are quite unknown.

It would be discorteous to the incoming Chief Magis trate, under such circumstances, to conclude ourselves by an action like this. This discourtesy by itself would b a matter of small moment; but in all national transactions discourtesy between co-ordinate branches of the Govern ment is liable to result in permanent differences of opin ion, in controversies; and by such controversies in this case we should embarrass the incoming Administration. It is quite apparent that the probability of adopting any right and effective measure would be diminished by a disagreement between the President and the Senate. These objections would seem to me to be conclusive for the post-ponement of these questions, unless those who press their consideration now can guaranty that the course which they recommend will receive the approbation of the in-coming President. If they are able to give us such a guarantee, and will produce the evidence of it, this objection will be removed.

But, Mr. President, if it be the pleasure of the Senat to proceed in the consideration of these questions, then have to examine their merits as briefly as I can. In the first place, I ask the Senate to take notice that all these resolutions assume—but I admit not without a fair show of argument—first, that the American assignees of Don Jose Garay have a complete, perfect, and absolute title to the right to open a communication across the Isthmus of Tehuantepec; and, secondly, that Mexico unreasonably and unjustly refuses to permit them to do so according to the terms of the grant which they exhibit.

My first unswer to these assumptions is that the con-

My first answer to these assumptions is, that the con tract under which this title is claimed and upon which i is founded expired by its own limitation eighteen months after the grant was made. The Senate will please take notice that this grant was made by Gen. Santa Anna on the 1st day of March, 1842; that the surveys were to be made by Garay within eighteen months; and that th produce a decree of Gen. Santa Anna of the 28th Dec ber, 1843, by which it was extended to the 1st of July, 1845. Well, the extension is at an end, for that day also has passed. So the contract has then ceased, unless it been still further extended. The committee say that it has been further extended by a decree of Salas, the Provisional President of Mexico, dated 5th November, 1846, by which the time for commencing the work was prolonged to the 5th November, 1848, within which time, the committee say, the title vested in the American assignees, and the work was actually commenced. Now, it will be seen, in the first place, that the commencement of the work before the 5th of November, 1848, was indispensable to the continuance of the contract, even on the ssumption of the committee. The committee say that the work was begun within that time. I have not been able to find proof that it was begun in the papers which have been sent to us by the President. Indeed I think it quite clear, from all the papers submitted to us, that even the preliminary surveys which were to be made within a period of eighteen months from the date of the grant were never actually made; but, however this may be, on the 22d of May, 1851, near three years after the decree of Salas prolonging the contract, the Constitutional Congres of Mexico enacted a decree in these words:

"The decree of November 5, 1846, (the decree of extension by Salas,) is declared null and void, because the powers with which the Provisional Government of that period was invested were insufficient to authorize it. Accordingly the Government will see that this declaration is rendered in every respect effective in regard to the privilege granted to Don José de Garacia.

Here, then, is a grant made on the 1st day of March 842, by the Provisional President of Mexico, and here i a law of the Congress of Mexico, passed on the 22d of May, 1851, abrogating the grant. The grant, then, has been abrogated and is void, unless the contrary can be shown. The Committee on Foreign Relations have undertaken to show the contrary; and they took three posi tions. First, that the Congress of Mexico had no power to repeal the decree of Salas. Second, that Salas was the Government de facto of Mexico, and that his acts, as such bound that nation, especially when an interest had be-come vested in a foreigner. The third is, that Mexico has, since the decree of Salas, recognised the existence and the validity of the grant, notwithstanding the Congressional decree of repeal. I shall briefly notice these replies in their order. The first position of the committee is, that the Congress of Mexico had no power to repeal the decree of Salas. By the constitution of Mexico, the Federal constitution of 1824, if in force at the time, not only had Congress power to repeal the grant, but no power but Congress had authority to make any such grant. I refer the Senate to the fifth section of the constitution of Mexico, which constitution is here:

" Sec. 5. Art. 47. Every resolution of Congress shall have the character of a law or decree." Art. 49. The laws and decrees shall be for supporting the national independence; the union of the States, and peace and order; to maintain the independence of the States secure an equal proportionment in the assessment of taxes.
"Art. 50. The exclusive powers of Congress shall be the

"Art. 50. The exclusive powers of Congress and Schollowing:"
"Part 2d. To augment the general prosperity, by decreeing the opening of roads and canais, and their improvement, without preventing the States from opening or improving their own; establishing posts and mails; and securing for a limited time to inventors, improvers, or those who introduce any branch of industry, exclusive rights to their respective inventors." tions, improvements, or intro

This is the Constitution of Mexico, and the Executive power to make such a grant upon the Isthmus of Tehuantepec was reposed in Congress, and was never in the Pre-sident, according to that constitution. But, what is more, the power of Congress was limited. Congress, while it had an exclusive power to make canals and railroads without interfering with the States, had no power to open the Isthmus so as to interfere with the rights of the States of Vera Cruz and Oaxaca, which occupied it. The Provisional President, Santa Anna, who had come into power in an interregnum of the Constitution of 1824, under certain conventions called the conventions of Estanzuela, and certain bases, called the bases of Tacubaya, modified and adopted by those conventions, had in 1842 given to his favorite a grant, which, for want of compliance by the grantee with its conditions, had expired and was void.

In 1846 the Government established by Paredes, and administered by Bravo, was in power. A revolutionary movement, distinguished as the Revolution of the Citadel, deposed Bravo and recalled Santa Anna, then in exile, and of Tehnantepee, which last-mentioned right, according to the notice which had been served upon them, expressly Snpreme Executive power. He came into that office on the 4th of August, 1846, and limited his own powers by deposed Brave and recalled Santa Anna, then in exile, and

the capital of Mexico to the length of thirteen miles and no more, within a period of ten years.

It was on the 1st of March, 1842, that Don José Garay from the book of the decrees of the Mexican Republic

"Ministry of Foreign Relations of Government and Police.
"His Excellency the Senor General-in-chief, in the exercis of the supreme Executive power, has directed to me the fol-lowing decree:

"José Mariano de Salas, General of Brigade and Chief of

the Liberating Republican Army, in the exercise of the Su-preme Executive power, to all whom these presents may come: Know ye that, in consideration of the state in which the Re-public is now found, he has been moved to decree the fol-

lowing:
"Art. 1. Until the new Constitution is published, that of 1824 shall govern in all that is not in conflict with the execu-tion of the plan proclaimed in the citadel of this capital on the 4th of the present month, and that the present state of affairs of the Kepublic will permit."

of the Republic will permit."

Thus Salas was in power, acknowledging the Constitution of 1824, and self-bound to support it, when, on the 5th of November, 1846, he made a decree, extending an already expired grant, which was equivalent to making the grant itself, which grant was in direct conflict with the Constitution. He exercised no absolute power, but a qualified dictatorial power, which was limited by the Constitution and by the bases of what was called the Act of the Citadel the Citadel.

We have, then, the decree of Salas, Provisional President, extending this contract for two years; and we have in the first place the Constitution of Mexico declaring it void. Here is one ground upon which the Constitutional Congress, on the 22d of May, 1851, abrogated the decree

It is now necessary to go back in the history, to bring into review another ground. Santa Anna, in 1842, was President under the bases of Tacubaya, and the conven-tions of Estanzuela. By the sixth basis of Tacubaya, all the decrees to be made by the President were directed to be submitted to the first Congress, (a Central Constitutional Congress,) that they might be approved or rescinded. The grant to Garay was made of course subject to that basis. So also was the other extension which was that basis. So also was the other extension which was made previously to the one granted by Salas, in his decree of the 5th of November, 1846. Santa Anna never submitted the decree of March 1st, 1842, (by which the original grant was made,) to Congress, and so that grant, was held for that reason to be void by the Congress, which abrogated it on the 22d of May, 1851.

It will be said that Santa Anna had abrogated that

sixth basis of Tacubaya. The facts are, that on the 3d of October, 1843, Santa Anna issued a decree to the effect that the responsibility of the acts of the Provisional Ex-ecutive to Congress, created by the bases of Tacubaya, and the conventions of Estanzuela, was merely a responsi-bility of opinion, that none of his acts could be annulled, and that the contracts entered into by the Provisional Execu-

tive were inviolate.

It will be seen that even this decree recognises the bases of Tacubaya, because it treats of the responsibility of the Executive, which was established by the bases of Tacubaya. Then this decree of Santa Anna was not a subversion of the central constitution and sixth bases of Tacubaya, but only a palpable perversion of them, for the purpose of increasing his own administrative power. Did purpose of increasing his own administrative power. Did that stand? Was that left the law of Mexico? No. On the first day of April, 1845, the first central constitutional Congress of Mexico was in session; and this decree of Santa Anna, absolving the Executive from responsibility to Congress, came under review, and they on that day adopted an act revising and abrogating this decree of Santa Anna, and declared that his responsibility was a direct one; that no act of the Executive was valid unless it was submitted to Congress; and that no act was valid. was submitted to Congress; and that no act was valid that was submitted to them and rejected, or not approved by them. So, then, the central constitution was in force on the first of April, 1845, and the Executive power was limited to the making of contracts, subject to approval by Congress; and the original grant to Garay was, by virtue of the bases of Tacubaya and this constitution, endered void, by reason that it was not submitted

Congress and approved by them.

I am aware that this examination has led us through a tempestuous season, in which civil government was often overborne in that unhappy fraternal Republic. But I have shown that, during the time of the extension of this grant by Salas, the legislative power was in force, and that in that respect the constitution was in absolute effect.

I ask the Senate now to consider two propositions. First,
that every citizen and every foreigner knew, or ought to
have known, of the limitations of this grant when taking an assignment of it, and that he knew he took it at what-ever hazards attached to it by virtue of the constitution and the reserved power of Congress; and the second, that the constitutional Government of the United States, and especially the Senate of the United States, is bound to make, and will make, every fair, and just, and liberal intendment in favor of the wounded constitution of a people, who gy, through seasons of anarchy at home and of aggression by a foreign Power, to preserve a constitution modelled and copied after our own. It is not here that I expect to see intendments prevail in favor of dictators and usurpers

even in Mexico. The honorable and distinguished chairman of the Com nittee on Foreign Relations (Mr. Mason) has already furnished his replies to the argument. First, he says that the constitution of 1824 contained a provision that the Congress should have no power to pass an expost facto law, and that Congress should have no power to pass a law, and that Congress should have no power to pass a law impairing the obligations of contracts. I rejoin: A law of Congress refusing consent which it was stipulated that Congress might give or refuse is not an expost facto law. A contract which by its terms is not valid if Congress shall disapprove, is not impaired by the decree of Congress refusing to approve it. Secondly, the chairman replies that Salas, nevertheless, was the Government de facto of Mexico, and that his acts bound the Republic of Mexico, aspecially where foreigners had obtained in of Mexico, especially where foreigners had obtained an interest. I rejoin, with great respect, that Salas was not an absolute President, nor even a President at all; but he was de facto the head of the Government, subject to the Constitution of 1824. He obtained power, I confess, irregularly; but he exercised it under the constitution, and was thus a limited and constitutional Executive. But the Committee on Foreign Relations make a still

further reply, which is, that the Mexican Government has, since the 6th of November, 1846, the date of Salas's decree, recognised the existence of this grant, and the validity of its assignment to the American claimants. I shall examine with great deference the evidence which they give of this recognition. The committee rest their assumption, first, upon the fact that in 1846 and 1847, the assignment of the grant to Manning & Mackintosh was duly notified to the Government of Mexico, and on their complaint President Herrera issued orders to the Governors of Oaxaca and Vera Cruz to prevent the cutting to mahogany on the granted lands by any others than those manogany on the granted lands by any others than those acting under their authority. I rejoin. The notice given by Manning & Mackintosh to the Government of Mexico, and relied upon by the Committee on Foreign Relations, is not produced. It is not here. No assignment has been roduced except that made on the 26th of July, 1847 which was an assignment by Garay to the British pro-prietors, Manning & Mackintosh, and Snyder & Co., and which notice was given to the Mexican Government after the decree of Salas, and was an assignment expressly limited to the lands ceded by the grant of Santa Anna and it excluded the privilege of opening the Isthmus of Tehuantepec. I rejoin, secondly: The assignment was made under the conditions annexed to the grant of Salas; and the assignees took the benefit of the acceptance of the notice with an express acknowledgment that the right to open the Isthmus of Tehuantepec remained in Garay, and had not been at all ceded to the assignees; and consequently, whoever held it after that period held it subject to the condition prescribed in the decree of Salas—that. foreigners taking the benefit of the assignment, should be

But what was the effect of these orders of Herrers, the President of Mexico, to the Governors of Oaxaca and Vera Cruz? They were orders to prevent depredations and trespasses on those lands by anybody except those who-claimed to have obtained them under the grant ceding the lands to Garay; but it appears that the Government of Mexico at that time understood that those claimants did not claim the right to open the isthmus, and saly asked protection for the enjoyment of their lands. That pro-tection and enjoyment of their lands has never been denied by Mexico. But, even if this were not conclusive, there is another point. If the President of Mexico could not make such a grant, he had no power te make an admission the effect of which would be to establish the grant. If the President of the United States should admit that half the State of Maine or any part of it belonged to Great Britain that admission would not affect the ndary line of Maine in the least.

The committee rest their assumption, secondly, upon the fact that—
"In 1847, whilst the treaty of peace was under negotiation,

"In 1847, whilst the treaty of peace was under negotiation, Mr. Trist, the commissioner on the part of the United States, by instruction from his Government, proposed a large money consideration to Mexico for a right of way across the Isthmus of Tehuantopec, and was answered 'that Mexico could not treat on this subject, because she had, several years before, made a grant to one of her own citizens, who had transferred his right, by authorization of the Mexican Government, to English subjects, of whose rights Mexico could not dispose." On this point the Mexican Government explains that the grant to which their commissioner alluded in making this reply was the grant of Garay, and the assigns Manning, Mackintosh & Snyder, of which the Mexican Government then had notice; which assignment, as I have before shown, was an assignment of the lands conced-

ed with the right, and not of the right to open the Isthmus